

REMARKS

Claim Status

Claim 1-22 are pending. Claims 1-22 were rejected.

Drawings

Please replace figures 1-10 with the attached replacement drawing that include the legend Prior art, as required by the examiner.

Claim Objections - 35 U.S.C. § 112

The specification was objected to as not providing support for the limitations of claims 9 and 12. Specifically, as per claim 9, the examiner feels there is no support for “so as to equalize the strain relationship of the surface”; as per claim 12, the examiner feels there is no support for “a torous shaped insertion”.

The applicant has amended claim 9 above to replace the word “equalize” with “homogenize”. Support for a homogeneous strain relationship may be found on page 24, line 13.

As for claim 12, the specification above, has been amended on page 24 to include proper support for a torus shaped insert.

Because of the above amendments, the applicant respectfully requests the examiner to withdraw the instant objections.

Claim Rejections - 35 U.S.C. § 112

The examiner has rejected claims 8-14, 17 and 19 as being indefinite for failing to particularly point out and claim the invention. Specifically, as per claim 8, “the first insertion” and “the finite element analysis model” both lack proper antecedent basis.

In re Application of: Hall
Serial No.: 09/740,341
Atty. Docket No.: 349-003

Art Group: 3739
Examiner: Hartman Jr. Ronald D.

The applicant has amended claim 8, above, to provide proper antecedent basis for both "the first insertion" and "the finite element analysis model". Therefore, the applicant respectfully requests that the examiner withdraw the instant rejection.

Claim Rejections - 35 U.S.C. § 103

The examiner rejected claims 1-22 as being obvious over Rajan et al., US Pat. No. 5,891,131. The examiner feels that the wording "physical change" found in these claims can be equated to a corneal incision. This can be found throughout the claims.

The applicant, mindful of the examiner's position regarding the potential meaning of the term "physical change", has amended all of the claims to specify that the physical change is in fact a physical insertion. The prior art teaches and disclosed physical reductions, ablations or other non-additive changes. However, there is no teaching or suggestion in the prior art to implement a physical insertion into the process, whether separate from or in addition to the other negative changes. Therefore, in light of these amendments, the applicant respectfully requests that the examiner withdraw the instant rejections.

Respectfully submitted,

Date: 10/13/04

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to: Box Fee Amendment, Assistant Commission for Patents, PO Box 1450, Alexandria VA 22313-1450

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